



**U.S. DEPARTMENT OF COMMERCE  
National Oceanic & Atmospheric Administration  
Office of General Counsel for Natural Resources  
Suite 4470  
501 West Ocean Boulevard  
Long Beach, CA 90802**

27 August 2009

Stephen Parkinson  
Groff Murphy, PLLC  
300 East Pine Street  
Seattle, WA 98122

Re: Portland Harbor Round 1 Tissue Samples

Dear Steve:

As you may recall, last month you contacted me concerning the Portland Harbor Natural Resource Trustees Council's request that the Lower Willamette Group (LWG) transfer to the Trustees Round 1 sculpin, carp and juvenile salmonid tissue samples with the exception of sculpin samples that were "out of temperature compliance." Prior to our conversation, you also discussed the Trustees' request with Rob Neely of NOAA.

During our conversation you noted that LWG wanted to ensure that the tissue samples would not be used against LWG and that such an agreement had been entered between PRPs and the Trustees in the Hylebos case in Washington State. You also asked what the Trustees would do with the samples and indicated that the samples had exceeded their holding times. I stated that the Trustees' would store the samples at NOAA's Sand Point Facility, Seattle, in secured freezers. I also acknowledged that the samples had exceeded their holding times. We both agreed to contact Robert Taylor, NOAA's attorney for the Hylebos matter, to determine what, if any, agreement had been entered concerning samples in that case.

Since our call, I have talked to Mr. Taylor who had no recollection of any agreement about an exchange of samples. In fact, he indicated that there had been no exchange of samples between the PRPs and the trustees in that case. I also discussed this matter with the Trustee Council who determined that any written agreement concerning the future use of those samples would be inappropriate.

On behalf of the Trustee Council, I renew our request that the samples be sent to the Trustees. It is my understanding that LWG will develop a cost estimate for the packaging and shipment of the samples to NOAA. LWG should contact Rob Neely, 206-617-5443,

concerning any logistical issues related to the shipment of the samples. Any other issues should be directed to me.

Sincerely,

Katherine A. Pease  
Senior Counselor for Natural Resources

Cc: Robert Wyatt, Chair LWG  
Eric Blischke, EPA Remedial Project Manager  
Stephen Zylstra, Portland Harbor NRDA Case Manager  
Rob Neely, NOAA/NOS/ARD